

Message Text

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PAGE 01 BONN 06975 01 OF 02 141957Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
MCT-01 SY-05 IO-13 TRSE-00 ACDA-12 /097 W
-----018909 142006Z /43

R 141946Z APR 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 7730
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO
USMISSION USBERLIN
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
AMCONSUL STUTTGART

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 06975

E.O. 11652: N/A
TAGS: PINT, GW
SUBJECT: THE ANTITERRORISM BILL CLEARS ITS FINAL HURDLE

REF: (A) BONN 2732
(B) BONN 3031

SUMMARY: ON APRIL 13, THE SPD/FDP COALITION VOTED
UNANIMOUSLY ON AN ISSUE THAT HAD BECOME A SERIOUS TEST
OF COALITION UNITY IN RECENT MONTHS: ANTI-TERRORISM
LEGISLATION. THIS TIME, THE COALITION MAINTAINED ITS
UNITY IN REJECTING AN OPPOSITION EFFORT TO BLOCK PASSAGE
OF THE GOVERNMENT'S
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PAGE 02 BONN 06975 01 OF 02 141957Z

BILL OF ANTITERRORISM MEASURES. THE BILL WILL SOON
BECOME LAW, WHILE DOMESTIC DEBATE ON TERRORISM CON-
TINUES. END SUMMARY.

1. THE SCHMIDT GOVERNMENT WON AN IMPORTANT VICTORY IN
THE BUNDESTAG ON THURSDAY AFTERNOON, APRIL 13. BY A VOTE
OF 252-243, THE FDP/SPD COALITION DEFEATED AN ATTEMPT

BY THE OPPOSITION CDU/CSU TO BLOCK THE PACKAGE OF ANTI-TERRORISM MEASURES WHICH THE GOVERNMENT HAD NARROWLY (245-244) BROUGHT THROUGH THE BUNDESTAG ON FEBRUARY 16 (REFS). AFTER THAT VOTE, THE CDU/CSU ON APRIL 7 HAD USED ITS CONTROL OF THE BUNDESRAT TO RAISE A FORMAL OBJECTION ("EINSPRUCH") TO THE GOVERNMENT BILL, ON THE GROUNDS THAT THE PROPOSED MEASURES WERE INADEQUATE TO MEET THE PROBLEM OF TERRORISM. IN ORDER TO OVERRIDE THIS OBJECTION, THE GOVERNMENT HAD TO MUSTER AN ABSOLUTE MAJORITY (I.E., 249 VOTES) IN THE BUNDESTAG.

2. THIS TIME, IN CONTRAST TO WHAT HAPPENED ON FEBRUARY 16, THE RANKS OF THE SOCIAL-LIBERAL CAUCUS (FRAKTION) HELD FIRM. THERE WERE NO DEFECTIONS; ONE SPD DEPUTY (LENELOTTE VON BOTHMER) WAS ABSENT DUE TO ILLNESS. ALL CDU/CSU DEPUTIES ATTENDED AND VOTED TO SUSTAIN THE BUNDESRAT OBJECTION.

3. THERE WAS LITTLE DOUBT THAT THE SCHMIDT GOVERNMENT WOULD GATHER ENOUGH BUNDESTAG VOTES TO OVERRIDE. SEVERAL SPD DISSIDENTS, INCLUDING SOME OF THE FOUR DEPUTIES WHO HAD VOTED AGAINST THE BILL ON FEBRUARY 16, HAD ALREADY INDICATED THAT THEY WOULD SUPPORT THE GOVERNMENT ON THIS ROUND. IN THE COURSE OF THE APRIL 13 DEBATE, THREE OF THE FOUR EXPLAINED THEIR REASONS. SPEAKING ON BEHALF OF MANFRED COPPIK AND ERICH MEINIKÉ, LIMITED OFFICIAL USE

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PAGE 03 BONN 06975 01 OF 02 141957Z

KARL-HEINZ HANSEN SAID THAT HIS COLLEAGUES AND HE, WHILE STILL OPPOSING THE EROSION OF CIVIL LIBERTIES WHICH THEY SAW IN THE BILL, OPPOSED EVEN MORE STRONGLY THE CDU/CSU EFFORTS TO SHARPEN THOSE MEASURES. THE OTHER DISSIDENT, DIETER LATTMANN, MADE NO STATEMENT.

4. THIS VOTE HAD BOTH SYMBOLIC AND SUBSTANTIVE VALUE FOR THE SCHMIDT GOVERNMENT. IT ENABLED THE SOCIAL-LIBERAL COALITION TO SHOW A SOLID FRONT AND COMMAND OF

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PAGE 01 BONN 06975 02 OF 02 141958Z

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LIMITED OFFICIAL USE SECTION 02 OF 02 BONN 06975

THE "CHANCELLOR MAJORITY" WHICH IS REQUIRED TO OVER-
RIDE BUNDESRAT OBJECTIONS AND ALSO TO ELECT A CHANCELLOR.
(THE GOVERNMENT'S HOLD ON THAT MAJORITY HAD WEAKENED
SLIGHTLY DUE TO THE CLOSE CALL OF FEBRUARY 16.) SPD
FRAKTION LEADER WEHNER HAILED THE APRIL 13 RESULT AS
PROOF THAT THE COALITION HAS REGAINED ITS UNITY. AT THE
SAME TIME, WITH AN EYE TO THE NEED FOR FENCE-MENDING
IN HIS FRAKTION, HE EXPRESSED UNDERSTANDING FOR THE
MOTIVES WHICH HAD LED THE DISSIDENTS TO VOTE "NO" ON
FEBRUARY 16.

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PAGE 02 BONN 06975 02 OF 02 141958Z

5. THE FIVE MEASURES TO AMEND THE FEDERAL CODE OF
CRIMINAL PROCEDURE -- (A) INTRODUCTION OF PARTITIONS
TO PREVENT PHYSICAL CONTACT BETWEEN DETAINED TERRORISTS
(OR SUSPECTED TERRORISTS) AND THEIR LAWYERS; (B) IN-
CREASED AUTHORITY TO EXCLUDE LAWYERS FROM
TERRORIST CASES WHEN THERE IS SUSPICION OF COMPLICITY;
(C) AUTHORITY FOR POLICE CHECK POINTS ON ROADS;
(D) AUTHORITY FOR POLICE SEARCHES OF APARTMENT
BUILDINGS; AND (E) AUTHORITY FOR POLICE DETENTION OF
PERSONS PENDING CONFIRMATION OF THEIR IDENTITY -- HAVE

THUS CLEARED THEIR LAST MAJOR HURDLE. THE BILL NOW
GOES TO THE PRESIDENT FOR SIGNATURE. IT WILL ENTER
INTO FORCE IN THE NEAR FUTURE.

6. THIS LEGISLATIVE DENOUEMENT COMPLETES ONLY ONE
CHAPTER IN THE ONGOING FRG DEBATE OF TERRORISM, ITS
CAUSES AND WHAT TO DO ABOUT IT. MANY FACTORS SUGGEST
THAT THIS DEBATE WILL CONTINUE, AND WILL GAIN NEW INTEN-
SITY FROM TIME TO TIME: E.G., OTHER ANTI-TERRORISM
BILLS STILL IN THE BUNDESTAG HOPPER, DEBATE OF POLICE
BLUNDERS IN THE SCHLEYER CASE, PROPOSALS TO CHANGE THE
AUTHORITY OF THE FEDERAL CRIMINAL POLICE (BUNDESKRIMINAL-
AMT), AND THE APPROACH OF ELECTION CAMPAIGNS IN FOUR
LAENDER THIS YEAR.
STOESSEL

7. WHILE THIS SUCCESSFUL SHOW OF COALITION UNITY IS
DOUBTLESS A WELCOME EVENT FOR THE SPD/FDP LEADERSHIP,
IT DOES NOT MEAN THAT THE SPD DISSIDENTS HAVE CEASED TO
BE A PROBLEM FOR THE COALITION, ON TERRORISM OR OTHER
ISSUES IN THE FUTURE.
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